

I have reason to believe that on at am/pm at
you committed an offence under Section 36(2)/ 37(4) of the Environment
Protection Act, 2016.

You may discharge your liability to conviction for that offence by paying a
fixed penalty of SR500.00 at the Registrar of the Supreme Court at Ile du Port,
or at the office of the Assistant Registrar at Grand Anse Praslin, or at the Office
of the Assistant Registrar at Anse Royale within 14 days of the date of this
notice.

.....
Date

.....
Signature of the authorised officer

Note: Failure to pay within the time stipulated may result in your being
prosecuted before the court for the offence.

MADE this 22nd day of February, 2019.

**WALLACE COSGROW
MINISTRY OF ENVIRONMENT,
ENERGY AND CLIMATE CHANGE**

S.I. 7 of 2019

ENVIRONMENT PROTECTION ACT, 2016

(Act 18 of 2016)

**Environment Protection (Miscellaneous)
Regulations, 2019**

In exercise of the powers conferred by section 80 of the
Environment Protection Act, 2016 the Minister responsible for
Environment, Energy and Climate Change hereby makes the
following Regulations—

1. These Regulations may be cited as the Environment
Protection (Miscellaneous) Regulations, 2019.

Citation

2. In these Regulations, unless the context otherwise
requires—

Interpretation

“Act” means the Environment Protection Act,
2016;

“Form” means a form set forth in the Second
Schedule;

“Industrial Estate Authority” means the Industrial
Estate Authority established under the Industrial
Estate Authority Act, 2013;

“person” in relation to any factory or premises
from where a sample is taken for analysis, means a
person or occupier or his or her agent who has
control over the affairs of the factory or premises
and includes in relation to any substance, the
person in possession of the substance;

“Seychelles Agricultural Agency” means the

Seychelles Agricultural Agency established under the Seychelles Agricultural Agency Act, 2009;

"Seychelles Fire and Rescue Services Agency" means the Seychelles Fire and Rescue Services Agency established under the Seychelles Fire and Rescue Services Agency Act, 2010;

"Seychelles Fishing Authority" means the Seychelles Fishing Authority established under the Seychelles Fishing Authority (Establishment) Act, 1984;

"Seychelles Island Foundation" means the Seychelles Island Foundation established under the Seychelles Island Foundation Decree, 1979;

"Seychelles Land Transport Agency" means the Seychelles Land Transport Agency established under the Seychelles Land Transport Agency Act, 2009;

"Seychelles Ports Authority" means the Seychelles Ports Authority established under the Seychelles Ports Authority Act, 2004;

Applications

3.(1) An Application under section 19 or 20 of the Act shall be made in Form I under the Second Schedule and shall be accompanied by an application fee of SCR300.

(2) An Application made under sections 21(3) of the Act, shall be made in Form II under Second Schedule and shall be accompanied by an application fee of SCR 300.

(3) The Minister may, on receipt of an application made under subregulation (1) or subregulation (2), depute an Authorised Officer to visit and inspect the premises under the

I hereby certify that I, Government Analyst duly appointed/recognised under section 65 of the Environment (Protection) Act 2016, received on the day of from

1. a sample of for analysis

The sample was in a condition fit for analysis as reported below:

I further certify that I have analysed the aforementioned sample on and declare the result of analysis to be as follows:

2.

The condition of seals, fastening of sample on receipt was as follows:

signed this day of

1. Here write the name of the officer/Ministry from whom sample was obtained.
2. Here write full details of analysis and refer to method of analysis

FORM VII

No.

FIXED PENALTY NOTICE

Under the provisions of Section 67 of the Environment Protection Act, 2016

To.....

FORM V

MEMORANDUM TO GOVERNMENT ANALYST

From

.....
.....

To

The Government Analyst

.....
.....

The portion of sample described below is sent herewith for analysis under Regulation 7(1) of the Environment Protection (Miscellaneous) Regulations, 2019.

The portion of the sample has been marked with the following mark:

Details of the portion of sample taken.

Date

.....
Name and designation of person who sends sample

FORM VI

REPORT BY GOVERNMENT ANALYST

Report No:

Date:

control of the applicant or the occupier, to verify the correctness of the particulars furnished in the application or for obtaining further particulars which in the opinion of the Authorised Officers are essential.

(4) Any Authorised Officer deputed under subregulation (3) may inspect any place or premises where the applicant intends to discharge any emission or effluents and may require the applicant or occupier to furnish the authorised officer any plans, specifications or other data related to control equipment or system or any part thereof that the officer considers necessary.

(5) An Authorised Officer deputed under subregulation (3) shall, before entering the premises of an applicant, give notice to the applicant of the intention to enter the premises in Form III under the Second Schedule.

(6) The Authorised officer may, before or after carrying out the inspection under subregulation (3) require the applicant to furnish to the officer orally or in writing such additional information or clarification or to produce before the officer such document as the officer may consider necessary for the purpose of investigation of the application and may for that purpose summon to the office of the Ministry.

(7) The Authorised officer shall submit his or her report to the Minister as soon the investigation is completed.

(8) The Ministry shall communicate its decision to an applicant under subregulation (1) or subregulation (2) within one month of the receipt of the application by the Ministry.

(9) In cases where an application is refused, the Minister shall state the reasons therefor in the communication referred to in subregulation (8).

Authorised
Officer

4. The persons specified in the First Schedule shall be Authorised Officers for the purposes of the Act.

Notice for
analysis

5. The Notice required to be served under section 63 (3) (a) of the Act shall be in Form IV under the Second Schedule.

Procedures
for taking
samples

6.(1) An Authorised Officer empowered to take samples under section 63 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add the seal of the person or mark to all or any of the portions so sealed and marked.

(2) The Authorised Officer shall after complying with subregulation (1) hand over one part of the sample to the person from whom the sample is taken under acknowledgement.

Procedures
for
Environment
Laboratory

7.(1) Sample taken for analysis under regulation 6 shall be sent by the Authorised Officer to an environmental laboratory along with Form V under the Second Schedule.

(2) The findings shall be recorded in Form VI under the Second Schedule in triplicate and sent to the Authorised Officer who had sent the sample for analysis.

(3) On receipt of the report of the findings of the Government Analyst, the Authorised Officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by the authorised officer for record and the third copy shall be kept by the officer to be produced in the court before which the proceedings, if any, are instituted.

Fixed
Penalty
Notice

8. A Notice under section 67 (7) of the Act shall be issued by an Authorised Officer in Form VII under the Second Schedule.

Any other parts thereof or pertaining thereto under management / control of on date between hours when all facilities requested by them for such inspection should be made available to them on the site.

Take notice that refusal or denial to the above demand will result in the authorisation not being granted under section 19 and 20 of the Act.

Copy to: Administrator

1. _____

2. _____

FORM IV

NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED

To

Take notice that it is intended to have analysed the sample of which has been taken today, the day of from* by.....

(Name and designation of the person who takes the sample)

*Specify the place where the sample is taken

AUTHORISED OFFICER

DATE

I/We, enclose herewith cash/cheque amounting to.....
(Seychelles Rupees) in favour of the towards
the fees payable under the Act.

Yours faithfully

Signature of Applicant

Note: 1. Any applicant knowingly giving incorrect information or suppressing an information pertaining thereto shall be liable to be punished under the Act.

2. ~~*Strike out which is not relevant~~

FORM III

NOTICE OF INSPECTION

To

Take Notice that for the purpose of enquiry under Regulation 3(5) the following officers of the Ministry, namely:

- (i) _____
- (ii) _____
- (iii) _____

and the persons authorised under the Act to assist them shall inspect —

Any system of your industrial Plant.

9.(1) The Environment Protection (Miscellaneous) Regulations 1995 is hereby repealed.

Repeal and Savings

(2) Notwithstanding the repeal under subregulations (1), all applications made, notices issued and authorisations granted under the repealed Regulations shall continue to have effect until they are repealed or amended under the provisions of these Regulations.

FIRST SCHEDULE

(Regulation 4)

AUTHORISED OFFICERS

1. The following persons are hereby designated as Authorised Officers under section 60 (1) (a) and (b) with powers to perform the functions under section 61 (1) and section 63 (1) of the Act —

- (a) Principal Secretary of the Ministry responsible for Environment;
- (b) Special or Technical Advisor of the Ministry responsible for Environment;
- (c) Chief Executive Officer of the Ministry responsible for Environment;
- (d) Director General of the Ministry responsible for Environment;
- (e) Director of the Ministry responsible for Environment;
- (f) Coordinator of the Ministry responsible for Environment;
- (g) Manager of the Ministry responsible for Environment;

- (h) Officers of the Ministry responsible for Environment;
- (i) Technicians including Rangers, Foresters, Inspector and technical staff of the Ministry responsible for Environment;
- (j) Police Officer;
- (k) Public Health Officer;
- (l) Technical staff of the Seychelles Island Foundation;
- (m) Technical staff of the Seychelles Fishing Authority;
- (n) Technical staff of the Seychelles Ports Authority;
- (o) Technical staff of the Seychelles Agricultural Agency;
- (p) Officers of the Seychelles Fire and Rescue Services Agency;
- (q) District Administrator;
- (r) Traffic Warden of the Seychelles Land Transport Agency;
- (s) Officers of the Industrial Estate Authority.

2. The following persons are hereby designated as Authorised Officers under Section 60(1)(a) and (b) with powers to perform the functions under Section 67(2) of the Act—

- (a) Principal Secretary to the Ministry of Environment;

FORM II
**APPLICATION FOR AUTHORISATION FOR
 EMISSION/CONTINUATION OF EMISSION**

From:

To:

Sir,

I/we hereby apply for Authorisation/Renewal of Authorisation under section 21(3) of the Act to bring into use a new/alterd stack for the discharge of emission/to begin to make new discharge of emission/to continue to discharge emission* from stack in industry owned by

The other relevant details are —

1. (a) Name of owner/occupier
- (b) Name and Address of the unit location
2. (a) Number of stack and vents with height and diameter
- (b) Quality and quantity of stack emission from each of the above stacks - Suspended Particulate Matter (SPM) and Sulphur Dioxide (SO₂)
- (c) A brief account of the air pollution control unit to deal with the emission. Additional parameters as specified by the Ministry.
- (d) Parameters and Frequency of self monitoring

- Description Quantity Method of disposal
11. Whether the unit is handling any hazardous substances as defined under the Acts. If yes, whether emergency plans are prepared for taking on-site/off-site measures
 12. Whether the unit is generating hazardous wastes as defined under the Acts. If yes, indicate the quantum and method of disposal
 13. I/we further declare that the information furnished above is correct to the best of my/our knowledge
 14. I/we hereby submit that in case of change either of the point of discharge or the quantity of discharge or its quality, a fresh application for authorisation shall be made and until authorisation is granted no change shall be made
 15. I/we hereby agree to submit to the Ministry an application for renewal of authorisation one month in advance of the date of expiry of the authorised period for outlet/discharge if be continued thereafter
 16. I/We, enclose herewith cash/cheque amounting to..... (Seychelles Rupees) in favour of the towards the fees payable under the Act.

Yours faithfully ..

Signature of applicant

1. Any applicant knowingly giving information or suppressing any information pertaining thereto shall be liable to be punished under the Act.
2. *Strike out which is not relevant.

- (b) Special or Technical Advisor of the Ministry of Environment;
- (c) Chief Executive Officer of the Ministry of Environment;
- (d) Director General of the Ministry of Environment;
- (e) Director of the Ministry of Environment;
- (f) Coordinator of the Ministry of Environment;
- (g) Manager of the Ministry of Environment;
- (h) Officers of the Ministry of Environment;
- (i) Technicians including Rangers, Forests, Inspectors and Technical Staff of the Ministry of Environment;
- (j) Traffic Warden of the Seychelles Land Transport Agency;
- (k) Officer of the Industrial Estate Authority.

SECOND SCHEDULE
(Regulations 3)

FORM 1

APPLICATION FOR AUTHORISATION FOR DISCHARGE OF EFFLUENT ON LAND OR IN ANY WATERCOURSE

From: _____ Date: _____

To: _____

Sir,

I/We hereby apply for authorisation/renewal of authorisation under section 19/20 of the Environment Protection Act, 2016 for establishing or taking any steps for establishment of an industry/operation/process or any treatment/disposal system to bring into use any new/alterd outlet for discharge* sewage/trade effluent* from land/premises owned by

The other relevant details are below:—

1. Name of owner/occupier
2. (a) Individual
- (b) Partnership firm
(Whether registered or unregistered)
- (c) Proprietary Limited Company
- (d) Public Limited Company

(e) Government Company

(f) Foreign Company
(if a foreign company, the details of registration, incorporation, etc.)

(g) Any other association or body

3. Name and address of the unit & location
4. Details of Commissioning etc.:—
Approximate date of production:
5. Details of licence, if any, obtained under the provisions of any other law
6. Name of the person authorised to sign this form (the original authorisation is to be enclosed in case the application is for renewal)
7. (a) Attach the list of raw materials and chemicals used per month
(b) Licenced annual capacity of the Unit
8. State daily quantity of water in kilolitres utilised and its source
9. (a) State the daily maximum quantum of effluent discharge and mode of disposal. Also attach analysis report of the effluents
(b) Quality of effluent currently being discharged or expected to be discharged
(c) Is there any effluent treatment plant? If yes, a brief description of unit operations with capacity. Attach information on the quality of treated effluent vis-a-vis the standards
(d) What monitoring arrangement is currently there or proposed
10. State details of solid wastes generated in the process or during waste treatment.